National Conference of Volunteer Examiner Coordinators
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July 29, 2003

Ms Marlene H Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

LETTER OF TRANSMITTAL

Dear Secretary Dortch,

The National Conference of Volunteer Examiner Coordinators (NCVEC) respectfully submits the enclosed Petition for Rulemaking seeking an "Amendment of Part 97 of the Commission's Amateur Service Rules to Eliminate Morse Code Testing "

We are enclosing an original and nine copies so that each Commissioner may have a copy

Sincerely,
National Conference of VECs

Frederick O. Maia, Chairman
NCVEC Rules Committee

Enclosures 10 (Original and 9 copies)

0+9
WTB 03-252

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 97 of the Commission's	)	**RM-_____**
Amateur Service Rules to Eliminate	)	
Morse code testing	)	
	)	

To: The Commission

PETITION FOR RULE MAKING

The National Conference of Volunteer Examiner Coordinators (NCVEC) is the umbrella organization comprised of the fourteen organizations[1] charged since 1984, under Section 97.519(a) of the rules of the Federal Communications Commission, 47 CFR §97.519(a) to develop and administer all Amateur Radio operator license testing and to electronically file all successful license applications with the FCC. In total, the VECs and their more than 30,000 VE teams have collectively administered nearly two million examinations during the past twenty years and have notified the FCC to issue approximately a million new and upgraded Amateur Radio licenses.

Once a year, the various Volunteer Examiner Coordinator organizations meet at their annual conference to discuss the various issues that impact Amateur Radio operator testing. At their July 25, 2003, meeting held with the FCC in Gettysburg, PA, the VECs overwhelmingly agreed that Morse code testing should be immediately ended since it was now possible to do so. It was also noted that countries have already begun discontinuing Morse examinations.[2]

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[1] The following organizations have entered into an agreement with the FCC to coordinate Amateur Radio examinations: Anchorage Amateur Radio Club, Anchorage, AK; American Radio Relay League (ARRL), Newington, CT; CAVEC, Inc., Huntsville, AL; Golden Empire Amateur Radio Society, Chico, CA; Greater L.A. Amateur Radio Group, North Hills, CA; Jefferson Amateur Radio Club, New Orleans, LA; Laurel Amateur Radio Club, Inc., Laurel, MD; The Milwaukee Radio Amateurs' Club, Inc., Milwaukee, WI; MO-KAN VEC Coordinator, Richmond, KS; Sandare-VEC, La Mesa, CA; Sunnyvale VEC, Amateur Radio Club, Inc., Sunnyvale, CA; W4VEC, High Point, NC; W5YI-VEC, Dallas, TX; Western Carolina Amateur Radio Society, VEC, Inc., Knoxville, TN.

[2] The United Kingdom's Regulatory Authority published a "Gazette Notice" on July 25, 2003, discontinuing all Morse code testing in their Amateur Service effective July 26, 2003. The effect was that all "Class B" (no code) radio amateurs in Great Britain who previously were restricted to operation above 30 MHz obtained "Class A" access to all Amateur bands. This can be confirmed at the Radio Society of Great Britain's website at <http://www.rsgb.org> and/or the UK Regulatory Authority (their telecom regulator) website at http://www.radio.gov.uk>.

In addition, effective July 15, 2003, radio amateurs in Switzerland were given immediate "provisional" authority to operate on the HF amateur bands by the Swiss Federal Office of Communications (OFCOM) while they await formal rulemaking

As a result the VECs voted to file this Petition asking that the FCC take expedited action to allow them to discontinue administering Element 1, the 5 words-per-minute telegraphy examination as soon as possible

Pursuant to Section 1 405 of the Commission's procedural rules (47 C F R §1 405), the NCVEC hereby respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date looking toward amendment of the rules governing the Amateur Radio Service, 47 C F R §97 1 et seq , as set forth herein and in the attached Appendix

The rule changes requested herein would terminate the telegraphy examination requirement and permit existing Technician Class operators to access HF spectrum as provided in 47 C F R § 97 301(e) without the necessity of passing a Morse code examination This request to eliminate the Morse code (Element 1) examination does not necessarily have the support of the ARRL Board since they have yet to develop a position on the matter In support of its petition, NCVEC states as follows

I. Introduction and Background

Since the turn of the century, the Morse code, invented by American Samuel Morse and first used in 1844, has been the foundation of early distress and safety communications Although Morse code (or CW, as it is commonly called) was the primary mode of communications from the late 19th Century through the early 20th Century, it has all but become obsolete in practically all other contemporary communication systems Due to the emergence of satellite and digital communications, manual telegraphy is no longer used or required in any radio service other than in the Amateur Service

Radiotelegraphy in the maritime service has been phased out in favor of modern technology The last vestige of manual telegraphy began being phased out in the maritime service in 1988 when the International Maritime Organization adopted the Global Maritime Distress and Safety System (GMDSS)

In the 1990's, countries around the world began closing down their distress 500 kHz calling frequency watch which had been in use since 1912 The final 500 kHz message sent by the U S Coast Guard took place from station NMN (Chesapeake Virginia) on April 1, 1995, and they no longer monitor the frequency

Even though the commercial world eliminated Morse code as a communications medium many years ago, it has continued on the Amateur bands because manual Morse proficiency was an international Amateur Service requirement when operating on spectrum under 30 MHz

II. Telegraphy requirement in the Amateur Service

Citing the recent WRC-03 decision OFCOM said the temporary permission to use the HF bands would suffice until the regulation could be changed Many other countries are rumored to be in the process of discontinuing Morse code testing

There are many communications modes and emissions available to the radio amateur and manual CW is just another one that certainly deserves no special priority The amateur radio operator examination process does not require a practical demonstration in the ability to use any other mode - even though more than a thousand modes and emissions are available to the Amateur Service

The international law previously required unspecified proficiency in the International Morse code when the operation takes place in the medium or high frequency bands Because of technological advances, this regulation has become inconsistent with the goals of the Amateur Service since it provides a barrier to otherwise qualified individuals who wish to experiment and communicate below 30 MHz There can be no doubt that the Morse code proficiency requirements have constituted an unnecessary and artificial impediment to fuller use of the Amateur Radio Service for many potential and existing amateurs

It appears that the reason that many (no-code) Technician amateurs are not upgrading to license classes that require telegraphy suggests that the Morse code requirement may be a significant barrier

III. Morse code testing is a burden to the applicant

It should be noted that while today's personal computers can easily send and receive telegraphy, the international Morse code "sent by hand and received by ear" requirement continued as a worldwide fundamental requirement for an amateur operator license until the recent actions by the International Telecommunications Union

The taking of the telegraphy examination is an unnecessary burden upon the applicant. Experience has shown that it is more often than not a very stressful experience for the examinee With the elimination of the international requirement for skill in manual telegraphy, there is no longer any reasonable justification for requiring an applicant to demonstrate this antiquated skill

It is one that must be acquired through rote memorization of the character meanings of some 43 combinations of audible dots and dashes 26 letters of the alphabet, numerals 0 through 9, four punctuation marks and three characters unique to CW [3] This must be followed by numerous practice sessions until the necessary skill is achieved Most applicants, once they pass the code exam, never use the mode on the amateur airwaves And many, perhaps most, could not pass it again if required to do so

While it continues to serve some amateur operators well, as it did in the early days of radio, it is now but one of many modes available to amateur operators The lack of interest in CW has turned many prospective amateur operators away from the Amateur Service

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[3] See 47 C F R § 503(a)

IV. Morse proficiency is not an indication of a quality operator

Some amateurs believe that the effort and sacrifice needed to learn Morse code indicates a more dedicated and, therefore, a better candidate for Amateur Radio No evidence exists, however, that supports a relationship between manual telegraphy proficiency and the quality, desirability or motivation of the operator

What the Morse code licensing requirement does do, however, is to greatly reduce the number of applicants operating in the medium and high frequencies Many people question why an individual with vast knowledge in the electronics field should be excluded from operating on HF spectrum due to a personal disinterest in the Morse code.

Continuing the use of Morse code proficiency as a means with which to gauge "quality" or to limit the number of amateur radio operators accessing public spectrum is certainly at odds with the FCC's mandate to promote the wider use of radio and its commitment to the use of emerging technologies

V. Morse proficiency should not be required to operate in the voice mode

It appears that most amateurs want to communicate in the voice mode It makes no sense from a regulatory perspective to require radio amateurs to be Morse proficient when the greater majority of radio amateurs do not desire to use that mode and there is no regulatory reason for them to do so

The future of Amateur Radio encompasses many modes undreamed of just a few years ago Although manual telegraphy is a noble part of the Amateur Radio's past, it is no longer the prime emission mode

In short, the Commission should ensure that the amateur examination elements are appropriate for the types of operation that will be performed by the licensee.

VI. An unnecessary burden upon the VEC system

The administration of a CW examination imposes an unnecessary burden upon the VE teams who must prepare and administer the CW examinations It requires extensive preparation and special equipment to prepare and administer properly. It is often disruptive and unsettling to those other examinees who are taking one of the written examinations within the same room

Under § 97 507(d), the VEs must prepare and record a series of messages sufficient to preclude any one message from becoming known to the examinees Each message must contain every one of the 43 telegraphy characters at least once during period of at least 5 minutes. At the prescribed speed of 5 words per minute, and at the prescribed 5 characters per word, the message is little more than 25 words in length In practice, it is a difficult task to compose a realistic message under these limitations It is also an unnecessary burden upon the coordinating VECs since most of them also prepare telegraphy examinations for their VE teams

VII. An unnecessary burden upon the amateur service community

The amateur service community suffers from the loss to its ranks of a large number of potentially excellent operators who are turned away because of the CW requirement Either because of lack of the requisite aptitude for sending and receiving CW or because of an unwillingness to spend the time acquiring a skill for which they find of no value to them, they forego becoming amateur operators

VIII. An unnecessary burden upon the FCC

Now that the international (treaty) Morse code requirement is optional, the FCC can expect to receive numerous requests for waivers of the Morse code examination due to applicant hearing and other medical conditions in order to be compliant with the Americans with Disabilities Act (ADA)

When there were multiple code tests, the FCC cited the international (treaty) requirement, as the reason that the five word-per-minute code test could not be waived This case no longer applies and the FCC will have to develop procedures to guide both themselves and the VECs/VEs in handling requests for code exam waivers that are certain to come

Dealing with requests for a waiver of the code exam could create an unnecessary burden on the FCC and VECs/VEs and consume an excessive amount of time and resources It seems illogical to require all amateur examinees to pass a requirement that could be waived by the actions of a physician History has shown that physician-initiated waiver requests have been very controversial in the Amateur Service

IX. World Administrative Radio Conference 2003

The only changes made to the international Amateur Service regulations over the last 75 years concern the frequency above which amateurs may operate without Morse testing

At their Washington, DC conference in 1927, the ITU (then called the International Telegraph Union) allocated frequency bands to the various radio services and established operating guidelines and operator qualifications It was deemed important that Amateurs prove an ability to transmit and receive communications in Morse signals since, at the time, radiotelegraphy was the primary means of long range communication

Since then, the administrations comprising International Telecommunication Union have reviewed and voted to relax the Amateur Service's mandatory Morse proficiency requirement at every international conference capable of doing so

In 1947 (Atlantic City), the ITU agreed that Morse proficiency should only be required when the operation took place on frequencies below 1000 MHz (1 GHz) At WARC-59, the 1959 World Administrative Radio Conference, this level dropped to 144 MHz A further reduction was made at WARC-79 to 30 MHz

Consequently, up until recently, Article S25 5 §3 read

> 25 5 § 3 1) Any person seeking a license to operate the apparatus of an amateur station shall prove that he is able to send correctly by hand and to receive correctly by ear, texts in Morse code signals The administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 30 MHz

At WRC-2003, the international Radio Regulation Article S25 5 §3 was revised to make the Morse code testing requirement a matter for each licensing administration to decide for itself Effective July 5, 2003, Article S25 5 §3 reads

> 25 5 § 3 1) Administrations shall determine whether or not a person seeking a license to operate an amateur station shall demonstrate the ability to send and receive texts in Morse code signals

X. Summary of NCVEC proposal to end Morse testing

The attached appendix contains a list of the rules that must be amended if Morse code examinations are to be discontinued These amendments propose merely to end the manual telegraphy examination and to permit Technician Class operators the same frequency privileges as those enjoyed by Technician Class operators who have passed a code exam

Therefore, the foregoing considered, NCVEC, the National Conference of Volunteer Examiner Coordinators, respectfully requests that the Commission issue a Notice of Proposed Rule Making at any early date, proposing the rule changes set forth herein, and in the appendix attached hereto

Respectfully submitted,

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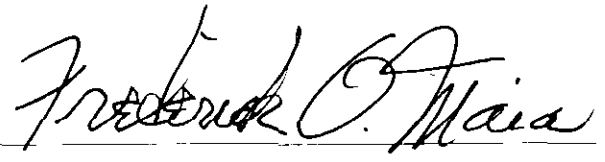
By 

Frederick O. Maia, W5YI, Chairman,
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July 29, 2003

APPENDIX

PROPOSED RULES

Proposed changes to Part 97 of Chapter I of Title 47 of the Code of Federal Regulations to delete references to the Morse code exam element Part 97, is amended as follows

PART 97 -- AMATEUR RADIO SERVICE

1 Section 97 301 is amended by revising paragraph (e) to read as follows The frequency tables in Section 97 301(a), (b), (c), (d) and (e) remain unchanged

§97.301 Authorized frequency bands.

The following transmitting frequency bands are available to an amateur station located within 50 km of the Earth's surface within the specified ITU Region, and outside any area where the amateur service is regulated by any authority other than the FCC

(d) ******

(e) For a station having a control operator who has been granted an operator license of Novice Class, Technician Class or Technician Plus Class

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing requirements, see §97 303 paragraph
HF	MHz	MHz	MHz	
80 m	3 675-3 725	3 675-3 725	3 675-3 725	(a)
40 m	7 050-7 075	7 10-7 15	7 050-7 075	(a)
15 m	21 10-21 20	21 10-21 20	21 10-21 20	
10 m	28 1-28 5	28 1-28 5	28 1-28 5	
VHF	MHz	MHz	MHz	
1 25 m	- -	222-225	- -	(a)
UHF	MHz	MHz	MHz	
23 cm	1270-1295	1270-1295	1270-1295	(h)(1)

2 Section 97 307 is amended by deleting paragraph (f)(9) and revising paragraph (f)(10) to read as follows Previous § 97 307(f)(10) is renumbered to (f)(9) Paragraphs (f)(11) to (f)(13) are renumbered to (f)(10) to (f)(12)

§ 97.307 Emission standards.

(f) The following standards and limitations apply to transmissions on the frequencies specified in §97 305(c) of this part

(10) A station having a control operator holding a Novice Class, Technician Class or Technician Plus operator license may only transmit a CW emission using the international Morse code or phone emissions J3E and R3E.

3 Section 97.313 is amended by revising paragraph (c)(2) to read as follows

§97.313 Transmitter power standards.

(b) ******

(c) No station may transmit with a transmitter power exceeding 200 W PEP on

(1) ******

(2) The 28.1-28.5 MHz segment when the control operator is a Novice Class operator, a Technician Class operator or a Technician Plus Class, or

(3) ******

4 Section 97.501 is amended by revising paragraph (a) and (b) to read as follows

§97.501 Qualifying for an amateur operator license.

Each applicant must pass an examination for a new amateur operator license grant and for each change in operator class. Each applicant for the class of operator license grant specified below must pass, or otherwise receive examination credit for, the following examination elements

(a) Amateur Extra Class operator: Elements 2, 3, and 4;

(b) General Class operator: Elements 2, and 3;

(c) ******

5 Section 97.503 is amended by deleting paragraph (a)

§97.503 Element standards.

(b) ******

6 Section 97.505 is amended by revising paragraph (a)(1), (a)(2), and (a)(3) to read as follows Paragraphs (a)(5), (a)(7), and (a)(9) are deleted

§97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the

following license grants or license documents

(1) An unexpired (or expired but within the grace period for renewal) FCC-granted Advanced Class operator license grant Elements 2 and 3

(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license grant Elements 2 and 3

(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Plus Class operator license grant Element 2

(4) ******

(6) ******

(8) ******

(b) ******

7 Section 97 507 is amended by revising paragraph (a), (a)(2), and (c) to read as follows Paragraph (d) is deleted

§97.507 Preparing an examination.

(a) Each written question set administered to an examinee must be prepared by a VE holding an Amateur Extra Class operator license A written question set may also be prepared for the following elements by a VE holding an operator license of the class indicated

(1) ******

(2) Element 2 Advanced, General, or Technician (including Technician Plus) Class operators

(b) *******

(c) Each written question set administered to an examinee for an amateur operator license must be prepared, or obtained from a supplier, by the administering VEs according to instructions from the coordinating VEC

8 Section 97 509 is amended by revising paragraph (f) to read as follows Paragraph (g) is deleted

§97.509 Administering VE requirements.

(e) ******

(f) No examination that has been compromised shall be administered to any examinee The same question set may not be re-administered to the same examinee

(h) ******